

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

JUN 28 2023

Per [Signature]
DEPUTY CLERK

1:23-CV-1083
(Case Number)

(1) Bryant ARROYO #CU 1126
(Name of Plaintiff) (Inmate Number)

SCI-COAL TOWNSHIP, 1 Kelley Dr.
(Address) Coal Township, PA 17866

(2) _____
(Name of Plaintiff) (Inmate Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) THOMAS S. MCGINLEY, SUPT., et al.

(2) SCI-COAL TOWNSHIP, 1 Kelley Dr.
Coal Township, PA 17866

(3) (See Attached-Defendants)
(Names of Defendants)

(Each named party must be numbered,
and all names must be printed or typed)

TO BE FILED UNDER: ✓ 42 U.S.C. § 1983 - STATE OFFICIALS

____ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

DEFENDANTS

1. Defendant, Supt. Thomas S. McGinley, Superintendent at SCI-Coal Township, 1 Kelley Drive, Coal Township, Pennsylvania 17866.
2. Defendant, Dpty. J. Gibson, Deputy, at SCI-Coal Township, 1 Kelley Drive, Coal Township, Pennsylvania 17866.
3. Defendant, Robert Marsh, Deputy Secretary for the Central Region Institutional Operations (CDSI), at Central Office, 1920 Technology Parkway, Mechanicsburg, Pennsylvania 17050.
4. Defendant, Lt. Provow, is a Correctional Officer of the Pennsylvania Department of Corrections who, at SCI-Frackville, 1111 Altamont Blvd., Frackville, Pennsylvania 17931.
5. Defendant, Dpty. S. Kephart, DSCS, at SCI-Frackville, 1111 Altamont Blvd., Frackville, Pennsylvania 17931.
6. Defendant, Zachary J. Moslak, Chief Hearing Examiner of the Pennsylvania Department of Corrections (PADOC), 1920 Technology Parkway, Mechanicsburg, Pennsylvania 17050.
7. Defendant, Spvr. Williams, Hearing Examiner Supervisor, assigned to Central Office, at Commonwealth of Pennsylvania, Dept. of Corrections, 1920 Technology Parkway, Mechanicsburg, Pennsylvania 17050.
8. Defendant, Dennis Wiederhold, Hearing Examiner, Pennsylvania Department of Corrections, assigned, at SCI-Mahanoy, 301 Morea Road, Mahanoy, Pennsylvania 17932.
9. Defendant, Supt. Kathy Brittain, Superintendent, at SCI-Frackville, 1111 Altamont Blvd., Frackville, Penna. 17931.
10. John Doe, Correctional Officer, SCI-Frackville, 1111 Altamont Blvd., Frackville, Penna. 17931
11. Defendant, Capt. Moser, SCI-Frackville, 1111 Altamont Blvd., Frackville, Pennsylvania 17931.
12. Defendant, Jennifer Newberry, Grievance Coordinator/Supt. Asst., SCI-Frackville, 1111 Altamont Blvd., Frackville, Pennsylvania 17931.
13. Defendant, Lt. Insp. Dennis Newberry, Intelligence Lieutenant, Inspector, SCI-Frackville, 1111 Altamont Blvd., Frackville, Pennsylvania 17931.
14. Defendant, T.Carter, Major, SCI-Frackville, 1111 Altamont Blvd., Frackville, Penna. 17931.

DEFENDANTS

15. Defendant, John Oliver, Major, Chief of Security, Bureau of Facility & Special Operations, Dept. of Corrections, 1920 Technology Parkway, Mechanicsburg, Penna. 17050

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? Appealed Misconduct No. D-571620
to Final Review, at Mechanicsburg, PA 175020
 2. What was the result? Final Review Appeal Denied, June 30, 2021
XXXX
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

- (1) Name of first defendant: (See Attachment of all Defendants)

Employed as _____ at _____

Mailing address: _____

- (2) Name of second defendant: _____

Employed as _____ at _____

Mailing address: _____

- (3) Name of third defendant: _____

Employed as _____ at _____

Mailing address: _____

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

On 3/24/21, I received Misconduct No. #D571620 for violating DOC Policy Nos. #29, #37, and #40. I was placed in the Restricted Housing Unit, on that date for 6-days prior to hearing to be held on 3/30/21. Hearing postponed until 4/1/21. I was found guilty of #37 (60 Days Loss of Visits). Found Not Guilty of #29, and #40. Placed in quarantine, until 4/3/21. On 4/6/21, I was removed from the general population and placed back into the Restricted Housing Unit (RHU), pending investigation under DC-

ADM 802, VI B1 F, noted as Others' Report, No. #D571628. On 4/7/21, Program Review Committee (PRC) reviewed completed 802 Hearing for the purpose of security investigation. I was found not guilty of two offenses and only placed on 60-days loss of visits, on third charge No. #37; no Restricted time applied. I was inadvertently released from Administrative Custody (AC) status during investigation per S. Kephart, DSCS, T. Carter, Major, and Lt. Provow. On 4/15/21, I was transferred to SCI-Coal Township while testing positive for Covid-19.

3.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1.

(1.) \$50,000 Compensatory and \$50,000 punitive damages against all defendants. (2.) Permanent Single Cell Status.. (3.) Be Transferred to SCI-Phoenix. (4.) Expunge Misconduct No. #D571620 and Declaration of Major John Oliver, dated 3/23/23. (5.) Order Defendants to cover all expenses related to this action. (6.) All other relief this Court deems equitable and just. (7.) Hearing by Jury Trial.

2.

3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23rd day of June, 2023.

Bryan Arroyo
(Signature of Plaintiff)

INMATE MAIL
PA DEPT OF
CORRECTIONS



From: Bryant Arroyo, #CU-1126
SCI-Coal Township
1 Kelley Drive
Coal Township, PA 17866

RECEIVED
SCRANTON

JUN 28 2023

PER [Signature]
DEPUTY CLERK

To:
United States District Court
Middle District of Pennsylvania
Clerk of Court
235 North Washington Avenue
P.O. Box 1148
Scranton, Penna. 18501



"Inmate Mail - PA DEPT OF CORRECTIONS"